

JUL. 7. 2009 11:46AM

TOLER LAW GROUP, IP

NO. 033

P. 2

Attorney Docket No. 1033-SS003

RECEIVED

CENTRAL FAX CENTER

JUL 07 2009

Remarks

The Office has rejected all the claims under 35 U.S.C. §112, ¶1, as failing to comply with the enablement requirement. The Examiner argues that there is not support in the specification for the recitation of an OSI layer 4 or above communication status. Applicants respectfully disagree. For example, the specification discloses a "transceiver to provide layer 3 and above communication status". Specification, paragraph [1015]. This clearly discloses providing communication status above layer 3, as in claim 1. In contrast to claim 1, U.S. Patent Application Publication No. 2003/0231206 ("Armstrong") discloses indicating PPPoE status, which is a level three communication status. Armstrong, [0058]. The cited portions of Armstrong fail to disclose or suggest indicating a communication status above layer 3.